

Notice of Public Meeting of a Public Body

Sections 7.6, 7.7.4 and 7.9.1

NOTICE OF PUBLIC MEETING OF THE

Governor's Forest Health OVERSIGHT COUNCIL

Pursuant to A.R.S. Section 38-431, notice is hereby given to the members of the Forest Health Oversight Council and to the general public that the **Forest Health Oversight Council** will hold a meeting open to the public:

Tuesday, November 4th, 2004 - 9:30 a.m.
Arizona State Lands Department
1616 West Adams – Room #321 (3rd Floor)
Phoenix, AZ 85007

1) Call to order – 9:37 a.m.

Goal – develop non-legislative recommendations to send to Governor next year

2) Review and vote on minutes from the **10.14.04** meeting

Moved to approve

Discussion – At Risk Communities Plan was completed; amend to include

- Didn't Jerry Payne (?) speak briefly at the end of the last meeting? Amend to reflect, informational
- Item #5 – Intergovernmental Agreement will be developed to bring about the *implementation* of the Wildfire Protection Process in Apache and Navajo counties

Seconded

Approved as amended

3) Subcommittees

a. Reports

i. Utilization & Commerce -

Marty Moore

Marty Moore is absent, but has been planning on attending; "life is kinda neat"

ii. Zoning & Implementation -

Mayor Joe Donaldson

Jim Wheeler – Report on League of Cities and Towns (10.26) – good representation from Northern and Eastern AZ, County Supervisors staffed, representatives from many places; discussed HB 2549 and impending legislation; express interest in promoting the incentives portion of the legislation; Mayor has idea of sliding scale for the type and amount of incentives tied to high paying jobs

Question – our language in lot split? – the opinion of the League that it wasn't going to go anywhere, despite the fact that everyone wanted to endorse it; CSA wanted more time to study the issue and make final decision

iii. Education -

Michael Neal

Beth Zimmerman – Subcommittee met this morning, leaning toward going into communities that have low resources available, will be pulling together in next month; Project Learning Tree did teacher workshop, not high participated, have additional money and will do another workshop for teachers in Prescott 11.19; moving forward with video to be able to publicize what people did to save their homes in previous fires

Question from Diane – clarify the Community Workshops, will they be focused on private landowners and what they do? Theme – pulling together volunteers and training and going door to door to assist/pass out the brochure/improve property and institute firewise principles; offering assistance to prep property; volunteers through APS, Home Depot, Emergency Response, etc, anticipating thousands of volunteers

iv. Mapping & Assessment

Kathy Hemenway

Kathy absent; no one has heard

v. Policy -

Lori Faeth

4) Forest Legacy Program

a. Kirk Rowdabough

One of the programs designed to protect private forests from development, usually through procurement. Decided to become a FL state. First step is to develop analysis of the need; we receive funding and develop in FY 04; led contract to prepare analysis and received, forwarded to Washington, was NOT approved.

Four general concerns: 1. What's the definition of forest in AZ? Is the definition we used appropriate for AZ? 2. There is very little private forested land in AZ, we identify all of it as being at risk to development – Forest Service was uncomfortable that all was identified; possible misunderstanding about how little there is (2% of state). 3. Forest Service was looking for prioritized list of properties to protect; we had identified a process that we used every year to prioritize, the idea that we could adjust every year as necessary. (List v. process.) 4. Inadequate public review. Used Forest Stewardship Council to review, willing to find additional public review.

Do not know how they are going to reconcile first three concerns. Willing to take plan out to public. This council may serve as a review body. Expect to get it done this year; Forest Service expects, set aside \$5000 for appraisal activities should we get it done.

Does body want to serve? General “yes” answer.

Diane – Program is great for conservation; we should take advantage of available incentive funds. When would we review? Any day, we have the draft document.

Motion – that the Council will review and comment back to State Forester on the analysis draft/Forest Legacy Program. Approved. Will be online to be downloaded. Mail also offered.

Discussion – seems like a subcommittee task. Any volunteers? Diane and Rob Smith volunteer. Request that it be done by end of calendar year. www.azstatefire.org; will be up by tomorrow morning.

- 5) In-depth identification of discussion of comprehensive recommendations from the Council (both legislative and non-legislative). This will include an analysis of recommendations emerging from the March Summit, last year's recommendations and presentations. If you were assigned homework during the last two meetings please be prepared to discuss it.

Suggestion from Diane – at #30 on Recommendations document, incorporated recommendations in last year's report that need clarification

Three part task: review legislation (1-29), review 30-, and finally, go through Action Plan developed from the March workshop, and find out where we stand on recommendations in Action Plan

For any new recommendations we will need to develop justification for their importance

Lori (1-30) – review of legislation

- #1. Not in legislation last year, will pursue this year, we will echo in report
- #2. Plan to repeat this year, Council made recommendation earlier to discuss more with local communities. ICC (International Code Council) – would be helpful for them to come in and meet with the Council. Do we want to include again, even if we want to continue to discuss? Yes. This recommendation to get the minimum code. Adopt codes within one year – pushed to 2 years last meeting
- #3. Was in bill, but enforcement was not included; CSA will look and make recommendation. Our report – recommend that cities towns counties be given authority to enforce. Unaware of any study from CSA on the cost, which is a concern. Possible CSA already has the authority – question remains, Lori will get clarification. If enforcement is not in there, recommend giving it to CSA.
- #5. State Fire Safety Committee. The State Urban Wildland Fire Safety Committee that was formed last year has not yet convened. Still important to expand. Jim – looks like existing committee tied to state, new committee is legislative, we're still asking State Fire Safety Committee, not asking the new committee. Lori explains that the new body was to develop recommendations to legislature and governor, and if the leg and the gov choose to do it, adopt. Jim – concerned heading toward conflict between duties of State Fire Marshall and Committee – if we start adopt WUI, we need to be clear on the process of adoption and recommendations. The New Committee wasn't given the authority to adopt, just develop recommendations. Worried about expertise – Fire Safety is urban-based. This Council should be clear that if WUI is developed, should be developed through an expanded FS Committee OR the urban interface committee. Diane understands nothing has happened about the committee. One person made a call; no one has appointed. Q

from Diane - Jim, is it the original recommendation to expand committee suitable? Yes. Diane – Our document should reflect this discussion. No objection.

- #6. Council wishes to pursue again. Plan to work through CSA. Still under evaluation for this year's bill. Diane – important that we keep recommending. Agreement from Council.
- #7. Did not end up in bill; to work through CSA and League Cities and Towns; has not been discussed this year, but has not been ruled out. Steve Campbell expresses concerns/red flags from the communities of Pinetop/Lakeside, Show Low, Navajo; they have reluctance to turn authority over to fire districts – county manager was looking at the right of the county/municipality to be senior to anything the fire district can enforce. Currently, fire district get the authority from community. Reluctance to give authority to county, don't want to enforce zoning and have fire district dislodge it. Line of authority should be cleaned up. Jim – Authority should be consistent across entire spectrum in light of local rule. Lori – language was fine-tuned, have they reviewed the new? Would they be supportive of cities towns counties having authority, not fire districts? Right. There was discussion of the current line of authority and who supercedes. Kirk, Ron, Steve discuss and conclude that fire district part could lead to mix of enforcement. Lori – Concerned parties should come up with some proposed language. Fire District Association suggested. Steve will take to implementation committee to discuss.

Rob – will the fire districts want something more aggressive than communities? Jim thinks they would be simpatico for the most part. Diane – putting the fire district authority in parking lot. Rob Davis – clarification of authority. Lori – why not give authority to cities and counties? Jim – fire districts might object to city and county because it's a local rule issue. Believes it can be worked out between fire districts and counties through CSA and AFDA.

Doing more homework on fire districts on how to harmonize, waiting for feedback from CSA, League, AFDA. Sense of council making sure authority is there is important. Agreement.

- #8. Park fire districts again, tied to 7. Should be lumped together as one.
- #9. Disclosure statement to property owners. Recommendation to talk to insurance co, etc, difficult to accomplish. Not for legislation this year, for additional discussion with insurance and real estate about disclosure. Diane – who will do this? Lori suggests going through everything, figuring out where we are, and then giving job assignments. Steve – thinks this one might take care of itself over time – lack of disclosure problems have encouraged real estate agents to disclose up front more and more.
- #10. Pursuing and trying to fine tune. Trying for 1. more meaning, 2. focus on attracting businesses who will help with small diameter issues. In process, will be in legislation.
- #11. In discussion. Fiscal impact has not been assessed. Jim – caution – alt fuel legislation had problems; mirror with wood pellet stove. Making sure fiscal impact is made, abuse is not written into language. Still support. Rob – federal legislation intro (congressman from NH) earlier, will get copy.
- #12. In what passed last year, duties distracted Fire Marshall; will change. Is addressed in 2005 legislation. Council still supports.
- #13. Same with State Forester. Under discussion for this year.
- #14-22. Under discussion. More agreement than disagreement. Diane – concern that we can endorse all of these; there were individual issues. Todd – come up with subcommittee recommendations, just not there yet; believes they are close.
- #23. Lori unsure of source. Needs to wait for report back. Keep in Todd's committee. Eliminate.
- Steve – issue locally, nice to drop property tax, but financial analysis needed not to further dip into money. Todd – Is being discussed.
- #24-25. Passed by policy committee. Diane – does the legislature have to act on this recommendations, or can executive make decisions? Confident that it will have to require legislative action. Need to bring Corrections into the conversation. Council in favor of pursuing – new recommendation. Kirk is point person.
- #26. Need more homework. Todd – thinks very important given our priorities; if we don't put it in this year, should be way high up for next year. Action Item: We need to get someone from ADEQ to speak with us. Nancy Roner (?) is suggested.
- #27. No objection to recommendation.
- #28. Passed in Colorado. Should be a recommendation again.
- #29. Kirk – Grant was submitted to WGA, \$50,000 for engineering studies for state buildings – it's coming and will happen. Capture as recommendation, will include copy of grant proposal. Diane – where is WGA funding source? Federal.
- #30. Todd believes there is an Executive Order in the works. Will keep legislative recommendation in there until Executive Order is seen.

- #31. Previous plan had many activities, but no funding was given to State Forester to do so. Diane – Forest Health does not always relate to fire, perhaps they aren't focused as we are. Steve agrees that broader issue of forest sustainability needs to be addressed. Diane wonders if there is some way of creating a collaborative vision for AZ state forests, to be nucleus of next Arizona Forest Health Summit. Todd hesitates to think a summit can address those issues adequately; has been disappointed in action following summits; skeptical we'd get a plan out of the summit. Kirk offers that all state agencies have to develop a strategic plan; most are more narrow in focus than this, and an expansion of vision may get into federal and tribal lands, out of context of state management. Diane thinks that a collaborative effort is in interest of citizens and all forests. Mr. O'Halleran thinks that our recommendations can have a breakout session about citizens and envisioning AZ forests; emphasizes importance of having a map, plan, identification of issues – finding a collaborative process for each issue. Diane feels we have an opportunity to take lead in creating vision among disparate groups and resources. Mr. O'H thinks we need to identify to federal people our needs for the state. Steve has an idea – with Kirk's role as State Forester, we have effective collaboratives around state, but they are not coordinated together. Together they could address this issue; putting a tent over these people – would have to come from SF office – to control this collaborative process, communicating. Kirk says that community effort is largely about protecting communities from wildfire, not this broad scope described. Todd doesn't think this idea is a process for writing a strategic plan. Offers that the best way is what we do, in this council format. Recommends that we develop a strategic planning group, perhaps a subcommittee, that will then go out for public comment. Diane offers that we might have a rough-rough draft of core ideas ready by March, but not to start until after the 1st of the year. Beth suggests that we use the Advisory Council as well. Mr. O'H says the first thing we must do is develop a scope of the plan. Diane suggests the council take the January meeting to develop an outline. Mr. O'H suggests having issues as a list ready to discuss before January. Kirk suggests have a specific person do the writing. Action: send out a template, ask for issue input, January joint-meeting for substantive discussion. Revamp #31 to say the Governor's Forest Health Council will take initiative.
- #32-34. Kirk updates on training sessions. Lori would like to know the numbers of trained communities and assessors. Kirk will get back to Council on status.
- Mr. O'H suggests that new report shows all previous recommendations and what was done.
- #35. Sense about appropriations? Mr. O'H believes council needs to identify need and should not be hesitant. Cannot continue to add missions without funding. Believes that at minimum we need to ask for the money if there is need. Mr. O'H will run appropriations bill. Suggests running through JLBC first. Language for the recommendation is needed – “based on following needs as identified in the past years, here is our request. These are the benefits to our citizens and natural resources.”
- #36. Eliminate. Diane offers that we urge communities at risk to prepare a CWPP. Mr. O'H says we shouldn't just urge, we should figure out their abilities. Kirk's impression that people are pulling this together. Just a matter of sending a message that these are important, not mandating.
- #37. Underway. Lori says there is an informal renewable energy working group, giving info, everyone is welcome to go.
- #38. Lori – bumped utility corridors up, is a part of WGA workplan at request of Governor. Largely being addressed. Steve – in Education subcommittee this morning – as we develop plans, look at corridors as part of community protection plan, opens corridors to access federal funds; might be added to CWPP encouragements – fold utility corridors where applicable.
- #39. Keep in. Mr. O'H asks that we include our letters to FIMA in the appendix of the report. Beth suggests that new letters should be addressed to DHS.
- #40-41. Keep in. Mr. O'H suggests putting a notation in the report that we've contacted congressional people. Todd suggests going through the man that wrote the legislation, no stepping on toes, avoiding politics. Lori would like contact information.
- #42. Keep in.
- #43. Steve suggests inserting “responsible.”
- Lori says that we don't need to go through Parking Lot issues – they are under discussion in policy.

Forest Health and Safety Action Plan Review

Education

- #1. Dispatched to Education subcommittee, have something for our report on what's being done in those areas.
- #2 Underway.
- #3 Evolving, will find out today.
- #4. Is not done. Put on the state land website. Assigned to Kirk, or the Council's site.

- #5. A legislative fix. The council should have a recommendation, but does not know enough to make one this year. Diane asks if there's a central place of all HOAs? Check with Department of Real Estate. Would like to send out a letter to presidents to check CC&Rs to see if conform to current thrust. Steve notes that amending CC&Rs is extremely difficult. Mr. O'H says that they do have to conform to state statute, which might be amended. Recommendation from council: Review CC&Rs of HOAs in at-risk communities.

Utilization

- #1. Working on incentives.
- #2. Measure on the ground whether fire-resistant character of a community actually enhances or decreases value of community. Could be helpful in marketing firewise. Put in parking lot as a research question.
- #3. Need recommendation. Central clearing house for dispersal of property cleanup materials is responsibility of local county level. Steve notes that this is an issue because we can't landfill everything. Already happening.

Zoning and Implementation

- #1-4. Being handled.

Statutes and Enforcement

- #1. Steve discusses the difference of special service district, a taxing district. Lori wonders if we could expand under the CFDs. Ask someone in Heather's shop. Jim likes the concept from a defensible space aspect; likes to talk in terms of defensible space *areas*; looks like a tool to explore/do something on a larger scale to reduce risk of catastrophic wildfire. Costs will fall treating larger ground. Steve says that elected officials from the area will fight for this. Steve will write the recommendation and justification for this. Mr. O'H says we need to guarantee some federal low-rate loans.
- #2-3. Underway.
- Lori says that the report should note who participated in the task force and came up with these recommendations. From a marketing standpoint, a list of participators would be helpful. Mr. O'H says the report should include backup information/examples in addition to the one-sentence recommendations.

"Putting Guiding Principles to Work on the Ground"

- Plan should highlight the model suggested by Steve.
- 3a. Difference between Office of Forest Ecosystem Health and elevation of State Forester?
- 3b. Recommendation should be sent to Forest Health Advisory Council. Todd concerned with how meaningful the establishment/development of standard protocols for landscape would be. Diane suggests sending question – have they marketed? – back to Beth's group. Beth says no, generally. Sent to agencies, but perhaps should be sent to counties, etc.

Federal/State Policy

- #1. No economic needs testing in place – would be nice to have it out there. Recommendation that there should be the needs testing. Kirk notes that we are dealing with federal programs, so there are extra considerations. Group emphasizes that this is a serious problem. Diane would like problem articulated, then go forth with recommendation. Todd will get report on cost-share programs and needs testing. Will be on agenda for next meeting. When draft document goes out, others will have to contribute to the justification.
- #2. Underway.
- #3. Underway.
- #4. 2005.
- #5. Underway.
- #6. Spread to other discussions.
- #7. Underway.

Discussion of report structure.

- Chart with current status of recommendations/accomplishments/where things are going
- New recommendations
- Subcommittee reports? Yes, capture work and activities that have been done. Each of the chairs to provide a brief synopsis.
- Recommendations from the conference.
- Anything incorporate with Beth's group? They will discuss.
- Who will write? Diane offers, if we can push to December. Might need help with the justification sections.
- Mr. O'H would like to see better job of marketing – what we've done AND what we have out there. Broadcast website. Diane notes that it takes a day-job kind of thing – Lori agrees that there is someone in Governor's office who can help with broadcast to media.
- Mr. O'H emphasizes that we shouldn't offend people. Diane suggests a lunch-time informal briefing for legislators who would like to attend, to bring up to speed on forestry issues.

6) Future meeting dates and locations

a. Winter 2004-2005 schedule

- i. December 9th - Policy meeting only. Kirk will check on room.
- ii. January 13th - Phoenix. Joint-meeting, need big room, perhaps Board of Supervisors.
- iii. February 10th -

7) Call to the Public – None

8) Adjournment – Moved, adjourned 12:48 p.m.

Dated this 2nd day of November, 2004 - Governor's Forest Health Councils

CO-CHAIRS

Diane Vosick – Ecological Restoration Institute, NAU

Rep. Tom O'Halleran – Arizona House of Representatives

<http://www.governor.state.az.us/FHC/>